REMARKS

This application has been reviewed in light of the Office Action dated April 26, 2002. Claims 25-31 remain pending in this application. Claim 25 has been amended to define still more clearly what Applicant regards as their invention. Claims 25 and 29 are in independent form. Favorable reconsideration is requested.

A Claim To Priority and a certified copy of the priority document for this application were filed on October 21, 1992, as evidenced by the returned receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is attached hereto. Applicant respectfully requests acknowledgment of the claim for foreign priority and the receipt of the certified copy.

The Office Action rejected Claims 25-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,021,892 (Kita et al.), in view of U.S. Patent No. 4,964,154 (Shimotono). Claims 25 and 29 are believed patentable over the prior art for at least the following reasons.

Claim 25 is directed to a method of controlling a data communication apparatus in a data processing system that includes the data communication apparatus and a host computer connected to the data communication apparatus by an interface. The method includes: a communication step of communicating protocol information and document information with a communication partner through a network, but without going through the interface; a notification step of notifying, through the interface, the host computer of information regarding an ability of the communication partner based on the protocol information received in the communication step

in accordance with a command from the host computer; and a setting step of setting one of an on-line mode, to be operated based on a command from the host computer, and an off-line mode, to be operated even without a command from the host computer. The notification step notifies the host computer of the information in a case where the on-line mode is set in the setting step.

The amendment to Claim 25 clarifies that the communication step of communicating protocol information and document information is not through the interface but through a network and the notification step of notifying the host computer of information regarding an ability of the communication partner based on the protocol information is in accordance with a command from the host computer.

In contrast, as understood by Applicant, Kita does not teach or suggest notifying the personal computer 8 (corresponding to the recited host computer) of information regarding the ability of the communication partner based on the protocol information received from the communication partner through the telephone line 4a, still less notifying this information in accordance with the command from the personal computer 8.

As understood by Applicant, Shimotono does not teach or suggest that the communication adaptor device 2 notifies the computer 3 (corresponding to the host computer) of the information regarding the ability of the communication partner based on the protocol information (for example, DIS in Fig. 4) received from a remote-side facsimile device 5 (corresponding to the communication partner) through the public telephone circuit network 4 in accordance with the command.

Accordingly, Claim 25 is believed patentable over any combination of Kita and Shimotono.

Claim 29 is directed to a method of controlling a data processing apparatus in a data processing system that includes the data processing apparatus and a host computer. The data processing apparatus and the host computer are connected to each other through an interface, and the data processing apparatus is able to communicate with another device through a network without using the interface. The method comprises: an instruction reception step of receiving an instruction from the host computer through the interface; and a notification step of notifying the host computer of information about a model type and a model version of the data processing apparatus in accordance with the instruction received in the instruction reception step through the interface.

On the other hand, none of the references discloses notifying information regarding the model type and the model version of the data processing apparatus. Specifically, the Office Action acknowledges that Kita fails to teach that the notification step notifies the host computer of information about a model type and a model version of the data processing apparatus in accordance with the instruction received in the instruction reception step through the interface. The portions of the Shimotono relied upon to remedy this deficiency fail to do so. Accordingly to Applicant's understanding, the cited portions instead relate to procedural or protocol information, or information relating to the contents of date to be transmitted, not to the model type or model version of the data processing apparatus, as is claimed. To set forth a prima facie case of obviousness requires that each claim recitation be taught or suggested. No

recitation can be ignored. For at least these reasons, Claim 29 is believed clearly patentable over the cited references.

The other rejected claims in this application depend from one or another of the independent claims discussed above, and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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25. (Twice Amended) A method of controlling a data communication apparatus in a data processing system that includes the data communication apparatus and a host computer connected to the data communication apparatus by an interface, said method comprising:

a communication step of communicating protocol information and document information with a communication partner through a network, but without going through the interface;

a notification step of notifying, through the interface, the host computer of information regarding an ability of the communication partner based on the protocol information received in said communication step [through the interface] in accordance with a command from the host computer; and

a setting step of setting one of an on-line mode, to be operated based on a command from the host computer, and an off-line mode, to be operated even without a command from the host computer,

wherein said notification step notifies the host computer of the information in a case where the on-line mode is set in said setting step.